

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

JONATHAN NNEBE, *et al.*,

No. 06-cv-4991 (RJS)

Plaintiffs,

-v-

MATTHEW DAUS, *et al.*,

Defendants.

ANTHONY STALLWORTH, *individually and
on behalf of all others similarly situated, et al.*,

No. 17-cv-7119 (RJS)

Plaintiffs,

-v-

MEERA JOSHI, *et al.*,

ORDER

Defendants.

RICHARD J. SULLIVAN, Circuit Judge:

The Court is in receipt of the parties' May 3, 2023 letter providing an update regarding matters discussed at the status conference held on May 2, 2023. (Doc. No. 585.)¹ The Court is also in receipt of Defendants' May 8, 2023 letter seeking leave to amend their answer and Plaintiffs' May 9, 2023 letter opposing such leave. (Doc. Nos. 586-87.)

In order for the Court to resolve the issues raised in the parties' submissions, IT IS HEREBY ORDERED THAT the parties shall submit a joint letter no later than June 23, 2023 addressing: (1) whether the parties are proposing that the Court refer the twenty so-called test cases to Magistrate Judge Ona T. Wang pursuant to 28 U.S.C. § 636(c) and Fed. R. Civ. P. 73, as opposed to, for example, 28 U.S.C. § 636(b)(2) and Fed. R. Civ. P. 53, and (2) whether the parties

¹ All record citations are to docket 06-cv-4991.

would instead agree to the Court referring the entirety of the above-captioned civil actions, including all class members who have requested a damages hearing, to Magistrate Judge Wang pursuant to 28 U.S.C. § 636(c) and Fed. R. Civ. P. 73. In addition, the parties are directed to address how Plaintiffs would obtain the consent required under 28 U.S.C. § 636(c) to permit Judge Wang to conduct all proceedings and order the entry of final judgment, particularly in light of the fact that the Court has certified a class as to liability but not damages pursuant to Fed. R. Civ. P. 23. (See Doc. No. 532.) The Court will reserve decision on Defendants' May 8, 2023 motion seeking leave to amend their answer pending receipt of the parties' joint submission.

SO ORDERED.

Dated: June 17, 2023
New York, New York



RICHARD J. SULLIVAN
UNITED STATES CIRCUIT JUDGE
Sitting by Designation